IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13169 of 2004

Between:

Bojja Vijaya Kumari W/o Veeraiah
R/o Chinnuvarigudem, Jaggaram Panchayat, Dammapet Mandal, Khammam District

..... PETITIONER

AND

1 The District Collector, Khammam Khammam District
2 The Revenue Divisional Officer, Palvancha, Khammam District
3 Mandal Revenue Officer, Dammapet Mandal, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in interfering with the petitioner's land in Survey No. 136 to an extent of Acres 5-00 situated at Chinnvurigudem Village of Jaggaram Gram Panchayat, Dammapet Mandal, Khammam District, without following due process of law is illegal, arbitrary and violative of Article 14 of the Constitution of India and direct the Respondents herein not to interfere with the petitioner's peaceful possession and enjoyment of the petitioner's property bearing Sy. No. 136 to an extent of acres 5-00 situated at Chennuvarigudem Village, Jaggaram Gram Panchayat, Dammapet Mandal, Khammam District without due process of law.

Counsel for the Petitioner:MR.Y.ASHOK RAJ

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

It is the case of the petitioner that she has been cultivating the land admeasuring Acs.5.00 in S.No.136 of Chennuvarigudem Village, Jaggaram Panchayat, Dammapet Mandal, Khammam District for the last thirty years. She alleges that on 26.6.2004 third respondent visited the land and directed the petitioner not to cultivate the land. Therefore, apprehending coercive action for dispossession, she filed the present Writ Petition.

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

It cannot be denied that if a person is in possession of the land, he/she cannot be deprived of the same without due process of law. Therefore, it is always open to the respondents to take action for evicting or dispossessing the persons in occupation after giving notice either under the Board Standing Orders or the A.P.Land Encroachment Act, 1905. Without such notice, the petitioner cannot be disturbed. With these observations that dispel any apprehension of the petitioners, the Writ Petition, is disposed of.

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(V.V.S.RAO, J)

28.7.2004

bnr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Khammam, Khammam District
2 The Revenue Divisional Officer, Palvancha, Khammam District
3 Mandal Revenue Officer, Dammapet Mandal, Dammapet,

Khammam District

4 2 CCs to GP for Revenue, High Court Bldgs., Hyderabad (OUT)

5 2 CDs